IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 238 OF 1997

The Commissioner of Income-tax,
Bombay City-X, Bombay. ...Applicant
V/s.
M/s.Jawandamal Dhannamal Ship
Breaking Yard. ...Respondent

Mr.Ashok Kotangle for Applicant.
None for Respondent.
None for Respondent.

CORAM : V.C. DAGA AND
A.S. AGUIAR, JJ.

DATED : JULY 5, 2005.

P.C. :-

. By this reference under Section 256(1) of the Income-tax Act, 1961, the Income Tax Appellate Tribunal has referred the following question of law for the opinion of this Court :-

"1. Whether, on the facts and in the circumstances of the case, the Tribunal was right in law in holding that ship breaking is an industry in a manufacturing activity entitled to the benefit u/s.80-I and 80-HH ?"

. The above question is covered by the decision of this Court in the case of **Virendra and Co. V/s. Assistant Commissioner of Income-Tax, (2001) 251 ITR page 806.** The question referred, therefore, is answered in favour of the assessee and against the revenue. Reference, accordingly, stands disposed of with no order as to costs.

(A.S. AGUIAR, J.) **(V.C. DAGA, J.)**